

# **EXHIBIT 7**

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**From:** Steven J. Rosenwasser [rosenwasser@bmelaw.com]  
**Sent:** Wednesday, November 25, 2009 10:23 AM  
**To:** Steven J. Rosenwasser; Eckles, Paul M  
**Cc:** Elizabeth G. Eager  
**Subject:** Confirmation

Paul,

It was good speaking with you a few moments ago. To confirm our discussion, we discussed:

1. With respect to data from ML Professional Clearing Corp./PAX – 0671, ML Professional Clearing Corp. – 0551 and ML SFKPG – 5198, you agreed to ask your client to produce it in this case so long as we would not argue that, by doing so, it opens those entities up to full discovery. I agreed (though, there may be some more limited follow up we may request).
2. With respect to data from ML PFS 5143, you indicated that it is not a trading account and that any data relating to that account will be produced.
3. With respect to the reports we asked you to produce, you indicated that you are still conducting an investigation and will report back.
4. With respect to a chart of accounts, you indicated that you thought that the information had been produced. I just learned that we received some, but not all, of the information. We still need information as to: (1) institutional accounts; (2) individual customer accounts; (3) hedge fund accounts; (4) firm accounts; (5) proprietary/market making; (6) foreign accounts and (7) Prime brokerage accounts.
5. With respect to account identifying information, you indicated that it is in the blue sheets. I indicated that I would investigate that and respond if there are any issues.
6. With respect to custodians, you agreed to add Bhabnani and Rodriguez to the custodian list, and not to add Willis or Loftus. I will ask Liz to respond back on that.
7. With respect to the tif images, I indicated that the problem (discussed in my Nov. 17 email) was in the stock records (not emails). You indicated that you would further research the issue and get back to me.

Thanks,

Steven